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S. H. 1830

LETTER

TO THE

EDITOR OF THE QUARTERLY REVIEW,

ON

A MISSTATEMENT

Contained in the 42d Volume of that Work, page 155,

RELATIVE TO THE

SUPPOSED ILL-SUCCESS

OF THE

General Penitentiary

AT MILLBANK,

BY GEORGE HOLFORD, Esq.

A MEMBER OF THE COMMITTEE FOR SUPERINTENDING THAT
ESTABLISHMENT.

LONDON:

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LETTER, &c.

SIR,

It is particularly incumbent on the Editors of those Periodical Publications, which from the form in which they issue from the press are supposed to be deliberately written, and are likely from their extensive circulation to have a considerable influence upon the public mind, not only to abstain from wilful misrepresentation, but to furnish themselves with such information in regard to the subjects, upon which they profess to instruct or amuse their readers, as shall prevent them from misdirecting the sentiments and feelings of the country; and if at any time the accuracy of any material facts or opinions stated by them in derogation of individuals,

or of existing institutions, shall be called in question, they are bound in duty to the public, as well as in justice to the parties affected by their censure, to examine carefully and candidly such suggestions as may be offered to them respecting the imputed error, and to take the earliest opportunity of correcting it, if they shall discover that they have been mistaken. Nor will it be denied, that the obligation to take this course is most imperative, when the error complained of involves no less than the condemnation of an Establishment formed with much care and at great expence, and depending in a great measure for its success, and indeed for its continuance, on the opinion which shall be entertained concerning it by the public.

The above remarks are called forth by a passage in page 155 of the Quarterly Review, published in January, 1830. Having stated, that “ a few years ago great exertions were

“made by a body of active philanthropic
 “individuals to mitigate the severity of our
 “criminal code, build Penitentiaries, and
 “multiply and enlarge Gaols and Houses of
 “Correction, in order to classify prisoners,”
 the Review goes on as follows : “These are
 “admirable objects when pursued with dis-
 “crimination, but the mitigation of punish-
 “ment degenerated into a fashion, and many
 “of its partisans were actuated by no other
 “motive than misguided sensibility, and a
 “love of popularity. Parliament yielded to
 “the clamour, and although the extravagance
 “into which it first ran, has been since
 “moderated, persons accused and convicted
 “of criminal offences are even now so well
 “lodged, fed, and treated, that imprison-
 “ment is almost wholly stripped of the
 “terrors with which it used to be surrounded,
 “and the Penitentiary at Millbank, raised and
 “maintained at such enormous cost, has,
 “by the confession of its own officers, turned
 “out a total failure.”

The assertion here made respecting the Penitentiary is not founded in fact ; it would be hazardous to say, that an institution, which exacts a strict adherence to discipline from its officers, as well as from the prisoners under their charge, and the conductors of which have consequently had occasion to make frequent changes in the inferior departments of its establishment, may not have been misrepresented and abused by some of those who have left its service, or have been dismissed from it ; but I will pledge myself, that the general statement in the passage just cited, will turn out upon investigation, to be substantially incorrect. I do not know, that any officer belonging to the Penitentiary has confessed it to be a failure ; but I do know that those of its officers who from their station, intelligence, and experience, are most competent to speak to its effects, have formed a very different conclusion, and the writer of that article in the Review, must be very ill informed upon the subject on which

he is professing to give instruction to the public, if he does not know, that if the question of the failure or success of the system pursued at Millbank, is to be decided by a reference to the sentiments of those concerned in the management of the prison, there are recorded statements and opinions on that head of the Committee of Superintendence in their official Reports to the Privy Council, and the two Houses of Parliament, which ought not in fairness to be overlooked.

The Members of this Committee are, from their situation in life, among the persons most competent to form a sound opinion in respect to the advantages to result from an establishment of this description, as well as of the degree of success with which it has actually been attended; and being most of them engaged in other arduous duties and concerns, they cannot be thought likely to bestow on the Penitentiary at Millbank the time and attention which they give to it,

from any other motive, except the strong conviction they entertain of their being usefully employed there.

I speak freely of the value of the judgment of the Committee upon this subject, although I am myself a member of it, as owing to my having been mixed up in all the concerns of this undertaking from its commencement near twenty years ago, I do not mean to include myself among those who are impartial witnesses respecting its success: nor should I tender my testimony in favour of the benefits to be derived from this Establishment to the public, as entitled to the same weight with the judgment of those, who have embarked in the management of it at a later period.

The passage, however, cited from the Quarterly Review, betrays a total want of information upon the subject to which it relates, and must have been written by some

person who knows no more of what has passed respecting imprisonment in this country, during the last few years, than he does of the transactions which took place before the flood. Where has he learned, that “the mitigation of punishment degenerated into a fashion,” and that “Parliament yielded to popular clamour” on this head? I remember no popular clamour in favour of a mitigation of the mode of imprisoning criminals; but if the Reviewer will look into the historical accounts of late events connected with the state of our prisons, he will find that there has been a clamour operating in a contrary direction to that, which he has attributed to it, viz. against the efforts of those persons whom he denominates “Philanthropic individuals;” the tendency of whose proceedings was not, as he supposes “almost wholly to strip imprisonment of the terrors with which it used to be surrounded,” but to free it from some of those accompaniments which made it a source of unlawful wrong to the

prisoner, at the same time that it was attended with very injurious consequences to the public. The people of the United Kingdom, labouring under the severe pressure of pecuniary difficulties, and looking of course with eagerness for any relief that could be afforded to the country from a diminution of the public burdens, were told, that convicts received, in gaols, and places in which they were confined under the sentence of the law for punishment, better food than fell to the lot of many an honest labourer or artisan working hard out of prison, and they were taught to infer from this fact, which could not be denied, that such persons were too well fed. In the agitated state of the public mind, this erroneous conclusion was readily adopted, and owing to the manner in which men's feelings were excited upon the subject, both the quantity and quality of the provisions allowed to convicts was altered in many of our prisons, and in some the use of meat was altogether discontinued.

I know of no other instance in which popular clamour has been listened to in the management of prisons in this country; upon this occasion it led to very disastrous consequences, but of a nature very contrary to the supposition of the Reviewer. It cannot be necessary to retrace the sad history of the transactions and events which took place at Millbank in 1822 and 1823. They made too deep an impression at the time to be already forgotten. The sickness occasioned by an insufficient dietary fell with greater severity on the Penitentiary than on any other prison, because it found a greater number of prisoners there to operate upon, than were placed together elsewhere, and because, owing to circumstances to which I need not now revert, it remained for a considerable time undiscovered and unchecked; but there were none of the large prisons among those which had adopted the new scheme of an abridged dietary, that did not feel more or less the effects of their error, and they have I believe,

all got back long since to a more liberal allowance of food.

The arrangements made in different prisons and places of confinement in this country, for the food of convict prisoners, have proceeded on three different principles. In the hulks, the great receptacles for felon convicts, the prisoners have a dietary, which is, I presume, not more abundant than the course of labour in which they are employed requires; but to this they may add tea, coffee, butter, tobacco, and other articles purchased from shops kept for that purpose by permission on board the vessels, by some of their own body, with funds supplied partly by Government in the shape of pecuniary allowances for work performed, and partly by their own friends; and it is rather hard that the thunder of the Reviewer should pass over these hulks as sanctuaries under the immediate care of the Secretary of State's Office, which the eye of profane curiosity

does not penetrate, to fall upon the minor prisons, in which it is not called for by such practices as those above stated.

When the Committee of the House of Commons appointed to consider the question of erecting penitentiaries sat in 1811, they had under their view two specimens of the best regulated prisons, viz. Gloucester Gaol, and the House of Correction at Southwell. In the former, a dietary was provided for the prisoner, which was considered to be adequate to his wants, and this was not to be increased by private purchases on his part. In the latter, the practice of stimulating industry by allowing the party confined to buy certain enumerated articles with a portion of his earnings, was resorted to, and the ordinary prison allowances of food were fixed very low in contemplation of such an addition; but in neither was the prisoner permitted to gratify his appetite by the expenditure of money received from friends out of doors.

The propriety of permitting a prisoner to spend a portion of his earnings, while in prison, was for a long time a subject of controversy; Mr. Buxton, who called the attention of the public to the state of our prisons, and the improvement of prison discipline, with so much success in 1818, having set out as an advocate for this practice—I believe, however, that he, and those who acted with him upon that occasion, have since changed their opinions upon that subject, as well as in regard to the extent to which it is desirable or practicable to carry on manufacture in county gaols or houses of correction, and the indulgence of applying any portion of their earnings to the purchase of articles for their own use while in confinement, is now withheld generally from prisoners in the county gaols; indeed the earnings themselves have pretty generally disappeared, from the ill success of manufacture in gaols, and the substitution of the tread-mill for other labour.

In the Penitentiary, though we divided our prisoners into two classes, in the former of which we took the course of discipline pursued at Gloucester for our model, and in the latter placed a few prisoners together in one cell after the example of the House of Correction at Southwell, we never adopted that part of the Southwell system of treatment, which encouraged industry by allowing diligent or skilful workmen to live better than their comrades, but set out with a determination, from which we never have departed, that whatever pecuniary benefit should accrue to prisoners from their work, should be reserved for them till the end of their time.

In a tract, which I published on the prisons of this country in 1821, before the introduction of the present Prison Bills into the House of Commons, arguing against the indulgence alluded to as calculated to introduce a degree of luxury, or at least of good

living among prisoners, which seemed inconsistent with the kind of imprisonment that the law intended offenders confined for punishment to undergo, I took an opportunity of stating the principles on which the treatment of the prisoners in the Penitentiary as to their food, as well as on other points, was regulated, in a note, part of which I will here repeat, as I really think I have a right to ask those who cast censure upon our manner of treating prisoners at Millbank, to come a little more distinctly to particulars, and to tell us whether they object to the principles on which we profess to act, or impute to us that we do not conform to our professions. In the note to which I allude, I observed as follows :—“ It has been said, “ that the prisoners live too well already in “ the Penitentiary at Millbank, and I have “ been often reproached with their being “ better fed than the labouring poor in some “ parts of the country: this fact, the truth “ of which I do not deny, being considered

“ by many as a convincing proof that they
 “ live too well, I will therefore take this
 “ opportunity of offering an observation or
 “ two upon this head. There are, I fear,
 “ numbers of persons in this country, who
 “ wear clothes which are insufficient to pro-
 “ tect them from the inclemency of the
 “ weather, or who are lodged in close and
 “ ill-ventilated apartments, or who inhabit
 “ damp and unwholesome situations, or who
 “ are employed at noxious trades, or work
 “ at unseasonable hours, or are subject to
 “ other hardships, or privations of the like
 “ nature ; but I have never heard it con-
 “ tended, that these evils, from which it is
 “ not in our power to relieve other classes of
 “ the community, are on that account to be
 “ imposed upon prisoners. The food of per-
 “ sons confined for offences in a prison, as
 “ well as their clothing, lodging, employ-
 “ ment, &c. must be regulated with a due
 “ regard to their health, (it not being in-
 “ tended to inflict death or disease as a part

“ of their punishment) and the dietary of a
 “ prison becomes therefore a medical ques-
 “ tion connected with the circumstances of
 “ their particular situation, and not a ques-
 “ tion of comparison between them and per-
 “ sons in other places or conditions of life.”

And again, “ There is more difficulty in fixing
 “ a dietary than may at first sight appear ;
 “ we cannot ascertain the capacity of men’s
 “ stomachs and appetites as we can measure
 “ them for clothes ; and if the same allowance
 “ is to be distributed to each, some will not
 “ have enough, unless more is given than what
 “ the wants of others may require. It should
 “ moreover be remembered, that a large
 “ proportion of the prisoners in the Peniten-
 “ tiary are mechanics, or persons from great
 “ towns, who have been used to better fare
 “ than country labourers, and that the diet
 “ settled for them is to be continued during
 “ a long imprisonment, so that if it be too
 “ low, its influence will be severely felt.”

I cannot therefore concur in the sentiments

of those who think that one common dietary might be established for all the prisons in which convicts are confined in this country. Persons who have not looked very deeply into this subject are too apt to lay down general propositions upon it, instead of allowing sufficient weight to particular situations and circumstances, and if they who censure our treatment of prisoners at Millbank, think that a man can be sustained upon the same food under confinement, which would support him if at large, and with the power of varying his diet at his pleasure ; or that he can be kept warm by the same clothing if lodged in a stone cell within the walls of a prison, which would preserve him in health and comfort out of doors, or that he can execute the same work within the prison walls which cheerful industry performs in freedom without difficulty under the name of task work, they know as little of human nature as they do of the Penitentiary.

◊ We do not think ourselves warranted at Millbank in subjecting prisoners unnecessarily to any treatment which is injurious to health : but strict discipline, constant observation, and abstinence from such sensual indulgences as health does not require, we consider as a part of the convict's punishment, and we accordingly neither allow fermented liquor, nor tea, nor tobacco, nor games and sports, nor any other indulgence, except a very limited intercourse, (under the control of the Governor and Chaplain,) with friends—and even this we permit as capable of being turned to good account for the regulation of the prisoner's mind while he remains in his confinement, or for the sake of keeping up his connection with persons who may be useful to him after his discharge, rather than on any other ground. I am at a loss to conjecture in what that mitigation of imprisonment consists, of which the Reviewer complains : he certainly must see the comforts of the Penitentiary, and the prisons under

the care of the County Magistrates, through some very magnifying medium, while a dense cloud appears to conceal from him that very large class of prisons under the management of the Home Office, the Hulks, in which the persons described as "active philanthropists," "whose misguided sensibility or love of popularity" has led them "to strip imprisonment of its terrors" have never succeeded in obtaining any influence, and where above 4000 convicts drink tea and coffee, chew tobacco, and indulge in profligate conversation without restraint.

The convicts themselves take a different view of these matters, for they make no secret of their preference for the Hulks, and if the main object of punishment be to deter men from the commission of offences by inspiring fear, their opinions and feelings upon this subject are more important than those of any other persons. When it was originally proposed in a Committee

of the House of Commons to give a power to the Secretary of State of transferring to the Hulks such offenders as should be reported by the Managers of the Penitentiary to be incorrigible by the system pursued in that prison, I stated strongly my objections to such a provision, founded on my conviction that a large proportion of the convicts sent to Millbank would covet such a change as a boon, rather than dread it as an evil, and that many would be likely to misbehave for the very purpose of procuring such removal. In a tract published in 1826, I maintained the same tone of argument. In the next year, however, the Committee had experienced so much annoyance in the prison from a few hardened and desperate offenders, most unfortunately sent thither, that we agreed to include the power of transfer to the Hulks mentioned above in the Act then about to be passed for the amendment of the laws under which the Penitentiary was regulated, and great imme-

diatc relief was afforded to the prison by the removals which took place under it ; but the consequences of this measure were soon exhibited in the manner which had been foreseen, and so many convicts have committed outrages in the hope of being sent to the Hulks, and so numerous are those who have asked for such removal as a favor, though they knew that the time which was cut off from the term of their original sentence must be added on again to their confinement, if they were now to be imprisoned in the Hulks, or sent to New South Wales, that the practice of applying for such transfers has been discontinued by the Committee.

In respect to the success or failure of the Penitentiary, it appears, from the Report made by the Committee to the Privy Council and to Parliament, that 82 male convicts were discharged from confinement in the course of 1828, of whom 30 received gratuities in 1829, for one year's good conduct

after they had left the prison ; (it should be observed, that such gratuities are never granted without due investigation into the grounds on which they are applied for,) 8 more have been ascertained by inquiry to be living respectably, though they have not claimed the reward, and 7 have died since they were at large.* Twenty have committed fresh offences, and 17 are considered as doubtful characters—taking the whole of the last class (the 17) some of whom have been entirely lost sight of, as ill conducted, we shall have the ratio of success to failure as 38 to 37. In the eyes of those who have been led to look upon the Penitentiary as a total failure, the restoration of one half of our discharged prisoners to respectability, will probably appear to present a more satisfactory view of the effects of our establishment than they expected ; but to those who know

* One of these, whose death was announced by a near relative, has since re-appeared to claim a reward for a year's good behaviour, and appears likely to make out a good title to what he asks.

by observation how much more the system pursued at Millbank is calculated to do under favourable auspices, the account of last year is far from being considered as a fair specimen of the result to be expected from this Establishment; when we shall have succeeded in obtaining the cordial co-operation of those, by whose influence, or through whose representations, our convicts are sent to us, and shall receive within our walls a greater proportion of such objects as ought to be selected for imprisonment at Millbank.

Of 40 females released in 1828, the number who have received gratuities is equal to that of such as have again become criminal, there being 13 of each; 2 have died, 3 are behaving well, though not applying for reward, and the remaining 9 are doubtful, probably have turned out ill, or will do so.

In the period commencing with the first opening of the Penitentiary in 1816, and

terminating with the removal of the prisoners from it in 1823, we considered ourselves as succeeding much better with females than with the men ; but since the prison was reopened in 1824, the Penitentiary system has never been properly in operation in the part of it which was built for female convicts. The whole course of our discipline during this period has been disturbed, and the character of the prison entirely altered, by the determination of Government to send so many of the female convicts to New South Wales, to supply the want of women in that colony, as to leave a much smaller number for the Penitentiary than that for which our arrangements as well as our buildings are calculated. Being directed to make provision for 600 males and 400 females, we reckoned upon something like that proportion of the sexes, and framed our regulations accordingly, imposing upon the women the task of washing for all the 6 pentagons: but in consequence of our having

the 4 male pentagons nearly filled, while a part only of one of those intended for females is occupied, the labour of washing for all the prisoners, and the female inferior officers, requires so many hands in the laundry-wards in proportion to the whole number of female convicts within our walls, that when those wanted for the kitchen and to act as wards-women have been taken from the second class, there are not enough remaining in that class to execute the work in the wash-house and laundries, and we are therefore obliged to take those, who should remain in the first class, for that purpose, and place them in the part of the prison which is the least fit for them, breaking down entirely the distinction between the two classes, and regulating the arrangements of the prison by the consideration of the health and strength of particular prisoners rather than with any regard to the time they have been with us, or their conduct during their imprisonment. The degree, in which this necessity of

making the labour to be performed in these wards the paramount object of our consideration, interferes with the working of the Penitentiary system, though not easily conceived by those, who have no experience on this subject, is well known to all who are conversant with the interior of the prison. It is true, that we might alter our arrangements, by making the male convicts wash for themselves in their own part of the prison, or by employing hired char-women to wash in the present laundries, but either of these changes would be attended with some inconvenience, and with no inconsiderable expense, and the Committee would not consider themselves warranted in adopting them, while they are uncertain as to the views of Government respecting the Penitentiary, for they cannot take for granted, that it is in contemplation to allow the greater part of an extensive prison, capable of containing 400 convicts, to remain permanently empty, and to continue to send

abroad the great majority of those, for whose rescue from transportation the building was erected. I feel so strongly upon this subject, that I cannot refrain from repeating here some remarks, which I made upon it in a Letter addressed to the Secretary of State for the Home Department, printed but not published in 1827, in which I endeavoured to combat the monstrous principle then avowed at the Home Office, of determining the number of female convicts to be transported upon considerations connected with the wants of the colony abroad, rather than with any reference to the extent of the means which had been provided at home for a portion of those whose sentence was only for 7 years, and who might have friends or connections in this country to whom they wished to be re-united when they should have satisfied the claims of the law. In that letter, after referring to the opinions of two Committees of the House of Commons that females sentenced to 7 years' transpor-

tation should have some fit provision made for their return to England, when they had undergone their punishment, there being now no mode by which they could obtain a passage home, except (as is stated in the Report of the Committee, of which Lord Auckland was Chairman,) “by prostituting themselves on board the ships, where masters may choose to receive them,” I observed as follows: “To many of such persons the compulsory residence for the rest of their lives in New South Wales may be no real evil, since they will probably find themselves better off there than if replaced in this country; but there must be among the females sentenced for 7 years a large class, to whom it would be a serious hardship to have this banishment for life super-added to their original sentence by the manner in which it is carried into execution, and who ought not therefore to be sent to the other side of the globe, instead of being punished at home, for no other

“ reason than that they may have this griev-
 “ ance inflicted upon them, or, to speak in
 “ the language of those, who press for their
 “ being sent thither, because women are
 “ wanted in the settlements in New South
 “ Wales.”

“ It is obvious, that among the females
 “ sentenced to 7 years’ transportation will
 “ be found persons differing essentially from
 “ each other both as to their former course
 “ and condition of life, and as to the degree
 “ of guilt they have contracted ; some
 “ of them have lived in the lowest haunts of
 “ profligacy, and been habitually conversant
 “ with those acts of dishonesty, for one of
 “ which they have now fallen into the hands
 “ of justice, while others have never known
 “ disgrace, nor committed any crime before
 “ their present conviction, and many are
 “ the offences, which it is necessary, for the
 “ sake of example, to punish with some
 “ degree of rigour, but which do not indicate

“ confirmed depravity, nor render the offender deserving of being cut off for ever from all hope of being restored to her friends and connections. A servant girl has pilfered articles of dress or ornaments from her mistress, or has been prevailed upon by the artifice of her sweetheart to admit him improperly into her master’s house, and has at last been drawn in to participate in his schemes for robbing the house; or without having joined in the robbery, has so conducted herself with a view to the concealment of the imprudences on her part which afforded an opportunity of committing it, as to have had the appearance of being concerned in the criminal act. It cannot surely be reconciled to any feeling of humanity or justice, that such an offender having friends, who would be willing to receive and employ her at the end of her punishment, should be sent with a crowd of dissolute and profligate women to New South Wales, in the hope, that she

“ will never be able to come back, while her
 “ more criminal seducer, if he shall have
 “ good luck in the hulks, will be at large
 “ again in England at the end of three years
 “ and a half from the time of his conviction,
 “ or thereabouts. Still less can it be thought
 “ right, that a married woman, who has
 “ been induced by the temporary distress
 “ occasioned by a sick husband and helpless
 “ children to pawn the sheets of her lodg-
 “ ings, or the articles which she was trusted
 “ to wash or makeup, (pawning them perhaps
 “ in the hope of being able to redeem them,
 “ before they should be enquired for by the
 “ owner,) should be separated from her hus-
 “ band and family for ever, although con-
 “ demned only to a 7 years’ punishment, for
 “ the purpose of assisting in making the
 “ balance between the sexes even at Botany
 “ Bay or in Van Dieman’s Land.

“ It would be easy to state a variety of
 “ cases, in which great hardships would be

“imposed by regulating the punishment of
 “female offenders upon a principle of
 “political economy, instead of attending
 “to the merits or circumstances of the
 “offending party, nor is there any occasion
 “for such a proceeding. If the incon-
 “veniences arising from the want of females
 “in New South Wales be such as to call
 “for some measure to remedy the evil,
 “there can be no difficulty in supplying
 “the want without violating the principles
 “of justice and morality, or rendering
 “useless the large expenditure which has
 “been incurred at Millbank (in conformity
 “to plans originally designed by some of
 “the best and wisest men whom this
 “country ever knew,) in the erection of
 “the Penitentiary.”

I then mentioned, that the number of
 female convicts which the Penitentiary was
 calculated to receive annually, if properly
 filled, and supported, would not much

exceed 100, and suggested modes of supplying the deficiency of women in New South Wales which appeared to me likely to prove more beneficial to the public than the transportation of these unfortunate victims of a supposed public convenience. I did not, however, succeed in making any impression on this subject, and the number of female convicts now within the walls of the Penitentiary amount only to about 140, while the whole of one of the two pentagons appropriated to females, (except the laundry ward belonging to it,) and a great portion of the other pentagons, are standing without inhabitants, a useless expense to the country.

It might be expected, that the circumstance of our having a much smaller number of females allotted to our prison than its complement, or than are sent abroad, would ensure us the selection of the best description of convicts for our purpose, and protect the establishment from being bur-

dened with those* who were the least calculated to derive benefit from their imprisonment at Millbank; but this has not been the case: a large proportion of the females sent to the Penitentiary have led dissolute lives before their conviction, some of them have been injured in their health, as well as morals, by habitual intoxication, and some have no tie whatever to this country, no friend, nor connection, to whom they can be restored on their discharge, nor any prospect of protection or employment, when they leave us.†

* I do not complain that a female convict is sometimes ordered to Millbank, who is not in a fit state of health to bear a voyage to New South Wales, because it is obviously a great relief to Government to have such a mode of disposing of a female so circumstanced, but such persons should be sent distinctly on that ground, and if they must be inmates of the infirmary, they should be excluded from any comparison instituted between cases of success and failure under Penitentiary discipline; to which I must add, that, if such cases shall be sent after the prison shall be fully inhabited, we shall be obliged to enlarge our infirmary.

† This should be the strongest objection to the imprisonment of a transportable convict at home—we may cure the worst habits brought by criminals into prison, and in some cases improve their health, but we cannot, except in a very few instances in a home to find situations for them on their discharge.

The errors in the selection of objects for the Penitentiary, are owing to the want of any communication to the Secretary of State's Office concerning the convict's history before conviction, or his future prospects, from the Keepers of the Country Prisons, and to the wish entertained in Newgate, (in furtherance of the supposed intentions of Government) to send those female convicts to New South Wales, who from their age, health, and personal appearance, may be considered as desirable objects for the colonists abroad (the fact of such a woman's having already a husband in this country is not much attended to.) About this time last year, I stated to the Committee of the Penitentiary as a proof that some better arrangements were required at the Secretary of State's Office for the selection of female convicts to be kept at home than any then existing, the case of a woman who had come into our prison in the July preceding under the following circumstances—She

was a married woman, between thirty and forty years of age, with three children, the wife of a respectable man thrown out of a good line of employment by an accidental hurt received in following his business. The woman herself bore a good character previous to the commission of the act of which she was convicted, which was that of pawning some bedding of small value belonging to her lodgings, and was undoubtedly committed under the pressure of severe distress. This convict was under orders for New South Wales, and had actually received her clothes to go on board the ship which was to carry her out, when her husband petitioned the Secretary of State to be allowed to accompany his wife abroad, if she could not be retained in this country in the Penitentiary. Mr. Peel saw the man himself, and immediately ordered the woman to Millbank. To confound unnecessarily convicts of either sex, who have committed a single criminal act, with such as have lived a life of habitual

transgression, is not to administer justice in mercy, but to inflict banishment for life upon a married woman, having a respectable husband and young family, and not habitually dishonest, whom the law had only sentenced to punishment for 7 years; by turning her loose at the end of that time on the other side of the globe, would be "to administer injustice." It would be a wrong crying for redress to God and man. In the case above stated, the deed was prevented by the accidental circumstance of the personal application to the Secretary of State by the husband, before the woman was embarked, (though after she had received her clothes;) but the cases in which such female convicts may be actually transported as matters are now ordered, will neither reach our knowledge, nor that of the Secretary of State himself.

Another case has lately come to my knowledge, in which a young woman has

been very recently preserved to her friends at home by the interference of a humane lady, who after a good deal of explanation, not unaccompanied with some degree of importunity, succeeded in obtaining an order for her being sent to the Penitentiary. This girl is between 16 and 17, and was living in a small family where one servant only is kept, when finding her mistress's keys lying about, she opened a drawer, and took out several articles of little or no value, together with a ring worth about £8. So unconscious was she that the ring was valuable, that she carried it to a pawnbroker's to pledge it for six shillings, and when questioned concerning it by the pawnbroker, who saw at once, that the person so pledging such an article was not likely to be the owner of it, burst into tears, and confessed what she had done. She was tried and convicted upon her own confession, confirmed by the evidence of the master, that the ring was his property ; and in consequence of

the value of the thing stolen, sentence of death was recorded. This young woman would have been among those transported, if a person in whose family she had lived as a servant till within a few weeks of the time when the offence was committed, and who knew that her parents were decent people, and that the conduct of the girl herself was irreproachable when she quitted her service, had not interested in her behalf one of those excellent ladies who take so much pains concerning the females in Newgate, by whose persevering exertions first in Newgate, and then at the Secretary of State's Office, her destination was changed from New South Wales to Millbank.

It may be necessary that an offence of the nature of that here described, committed by a domestic servant, should receive a severe sentence, and should be visited with a heavy punishment; but among the many life cases sent to us, I do not know that I

ever met with one which was more evidently a case for the Penitentiary than that of this young woman ; this, however, was not the view of the subject taken at Newgate, where it was thought, that the woman, being healthy and good looking, was a very proper subject for New South Wales, would marry well there, and make her fortune.

When I brought in the first Act for the erection of the present Penitentiary, an Act framed on the model of the 19th Geo. III. cap. 74, and in which the provisions of that statute were followed in all points in which there did not appear to be some good reason for changing them, I departed, in concurrence with the opinion of those with whom I acted, from that clause of the former statute, which made imprisonment in the Penitentiary a distinct original punishment to take place under the sentence of a Judge, and substituted for that provision a power in the Crown to send to our prison,

at its discretion, any convict already under sentence or order of transportation: but Parliament gave this discretion to the Crown in the persuasion, that there were many circumstances which ought to have a material influence on the selection of convicts for this kind of imprisonment, which could not appear upon the trial of the party in court, but might properly, and conveniently, be made the subject of inquiry after conviction; and we certainly acted in making this alteration on a belief that such investigation would take place. Nor is it easy to see why it is omitted. I am much mistaken if a single intelligent Clerk, giving his undivided attention to the subject, would not be able to collect such statements respecting all the convicts, both male and female, sentenced to transportation, as would enable the Secretary of State to exercise a sound discretion in the disposal of them, by corresponding with the Keepers and Chaplains of the different prisons from whence they were to be

removed, and occasionally with the Magistrates who had committed or sentenced the offender, his prosecutor, and any other person who might appear in the course of the inquiry to be connected with the subject of it; and if the Keepers of prisons were in the habit of furnishing statements in detail respecting these convicts, to the Secretary of State's office, they would of course transmit the same information to the Governor of the Penitentiary, with the convicts sent thither, in compliance with the 56th Geo. III. which is now treated with great neglect. By that statute the Keeper of any prison sending up any convict to the Penitentiary should transmit with the prisoner a certificate, containing not only an account of his behaviour in prison before and after trial, but such information concerning his former connections and course of life as should have come to his (the Keeper's) knowledge: under the latter part of this direction we seldom find more

in the certificate than "former connections and course of life unknown," and even as to the behaviour in gaol we very seldom obtain a fair account. We have now a female prisoner in the Penitentiary, who when called down to be examined by the Surgeon at Newgate, previous to her intended embarkation for New South Wales, stabbed herself to avoid being sent abroad. The wound was serious, and the woman was necessarily taken into the Infirmary at Newgate, where she was confined for some time in a strait waistcoat, and subjected to severe medical discipline. In a few weeks, her wound being healed, she was ordered to the Penitentiary, to which prison she was delivered with a certificate containing nothing with reference to the act she had committed in Newgate, except "that she was of a fretful temper." Some time after her arrival at Millbank, she talked of destroying herself, and either went mad, or feigned madness; and then we learned for the first time from some of the prisoners

who had formerly been her companions in Newgate, the history of her behaviour in that prison.*

I have written more than may appear to have been called for by the short passage in the Review, by which this Letter was occasioned, from a wish to shew you, that the Penitentiary is not only entitled to justice at your hands, but is not undeserving of your more particular notice. A regard to truth requires that you should take some means of repairing the mistake you have committed, in circulating a libel upon our establishment and its officers, which is perhaps the more

* *Query*—What account was given of this woman to the Secretary of State as the ground of the order for changing her original destination for New South Wales and sending her to the Penitentiary? Was it simply represented that she was sick, when the ship was about to set sail with the other convicts, or was the whole truth told at the Secretary of State's Office, and the important fact of the occasion of her being sent to us concealed only from the Governor of the Penitentiary, the person, to whom under the Act of Parliament, it ought to have been particularly communicated?

injurious as it is contained in a single sentence, but I hope you will not confine yourself to the simple correction of an erroneous statement, for the Penitentiary has never yet received from the public press that attention to which it is fairly entitled. The Quarterly Review took up our cause in 1824, but it was misled as to the nature of the illness which then prevailed in the prison ; and the latter part of the article, to which I allude, was written under a mistaken impression, that the building at Millbank would probably be abandoned as an abode for convicts, and converted to some other purpose. Our Institution has many enemies. We must expect to be evil spoken of by the officers we have discarded, who from the strictness of discipline observed in our prison, are numerous, and by some persons of more consequence in the world, who have found that influence and the solicitations of friends will neither open our gates to the release of prisoners, nor procure them favour

within our walls : and we have moreover the ill fortune to be viewed with a jealous eye by Government, as rivals rather than auxiliaries ; but our most formidable assailants are those Gentlemen in the House of Commons, who in their zeal for public economy, think the difference between one place of confinement and another resolves itself into a mere question of pounds, shillings, and pence : and these Gentlemen do not act fairly with respect to the Penitentiary and the Hulks, even on their own principles.

They called in 1826 for detailed accounts of the expenses of each of the two establishments, and they received them from the prison at Millbank without delay, but they did not get them from the Hulks, such accounts not being kept there. They have this year called for and obtained a detailed account of the salaries and emoluments of the officers employed at Millbank, but I am not aware that they have asked for

a similar account from the Hulks. I hope if any motion shall be made for such a statement, it will include some account of the convicts employed as officers, viz. as Captain's clerks, Surgeon's mates, Boatswain's mates, convicts set to overlook others when at work on shore, &c. &c. with their respective rates of pay, if they are paid in money, and the particulars of the advantages which they derive from their official situations, if they are remunerated by indulgences. We employ prisoners in menial offices, and in washing, at Millbank, but we state the allowances in money allowed for their services as part of our expenditure. We also state under the head of the earnings of the convicts in manufacture, the result of real transactions, whereas the amount of the convicts' labour is stated in the reports from the Hulks upon estimate, no person having paid for the work performed, or debited himself with its value. A statement by some Member of the House of Commons when the

Hulks are mentioned, that the employment of the convicts has been found very useful at a particular station, is always triumphantly hailed as a decisive proof of the general value of the convict's labour, but nothing can be less warranted than that conclusion. It appeared from the Report of the Committee of the House of Commons concerning the Hulk establishment, which I laid upon the table of the House in 1812, that the convicts at Woolwich earned at that time nearly the amount of their own expenses, while the work of the convicts elsewhere, though the detachments sent from the vessels were equally numerous at the other stations, was of trifling value.*

I do not mean to say that the expenses of the Hulks, if correctly stated, would not be

* In those days the allowances on shore did not come into the ordinary expenses of the Hulks: whether they now enter into the accounts reported to Parliament I do not know.

less than those of the Penitentiary, or that the labour of the convicts employed from them is not more valuable than the work executed in manufacture at Millbank, but the advantages of the Hulks in these respects ought to be carefully investigated, for I am confident they are much overrated. It should also be taken into calculation when we are looking at these establishments in a pecuniary point of view, that the period of imprisonment in the Penitentiary is by law limited to a much shorter period than that during which the convict is to be kept for the same offence on board the Hulks ; and if one half only of those released from the Penitentiary are replaced in the line of honest industry, instead of being turned loose to prey upon the community, until they become subject to a second or even a third conviction, I presume it will hardly be denied, that a considerable saving on that account to the public is to be set against the cost of the discipline at Millbank.

I protest, however, against any opinion concerning the comparative merits of the Penitentiary and the Hulks, formed by persons who confine their whole attention to the expenses of the two establishments, laying out of the question all considerations of humanity, policy, and religious obligation on the part of the State.

Whatever changes some individuals may contemplate in this country, the Government is at present Christian; its subjects have a right to expect that it shall be conducted upon Christian principles, and they who hold lightly the notion of reforming convicted criminals, and affording felons an opportunity of regaining a place in society, and are therefore prepared to throw all such as have received sentence of transportation, into one common mass of corruption, should be reminded, that according to the doctrine of the Church of England, we are all of us convicts in the sight of God, and must all

inevitably perish, if it should please the Almighty so to administer his chastisements on earth for our offences, as to harden our hearts, and plunge us deeper than we are in the mire of guilt.

There are circumstances in the present state of this country that make the consideration of the manner in which imprisonment should be regulated, a matter of particular interest at this moment. It is an admitted fact that crimes are increasing, while the land teems with petitions to relax the severity of our laws, and abolish the penalty of death, except in cases of murder. I am afraid the petitioners are greatly mistaken, if they suppose that the frame of society can be kept together without capital punishments, in an extensive, populous, wealthy, and luxurious empire ; and deceive themselves when they suppose, that the schoolmaster will prove a substitute for the hangman. I own, those who are calling into action, upon this occa-

sion, the feelings of the people, appear to me to be leading them in the opposite direction to that which they ought to pursue, and to be teaching them to begin at the wrong end of the subject. Instead of being clamorous for the repeal of the statutes inflicting death for violations of property, they should have petitioned the Legislature to spare no trouble or expense in making other punishments effectual to their object, stating in their petitions their own readiness cheerfully to bear any additional burdens which might be required for that purpose. It must be obvious, that capital punishments can only be laid aside, as the necessity for them shall be superseded by punishments of another description; and there are crimes affecting property, for which I fear any penalty short of death would be found inadequate. Forgery, for instance, for which transportation for life, (the punishment next in severity to such as are capital,) is by no means suitable. A person committing this crime may not only

possess himself of very large sums of money, but may contrive in many instances to elude detection, even if he should be ultimately discovered and convicted, until he shall have placed his gains in secret trust with some of his friends or confederates, beyond the reach of pursuit; and an individual meditating such a course of conduct, would hardly be deterred from pursuing it by the fear of punishment, when the worst that the law could do to him, should be to send him to a distant colonial possession, where he may hope in a few years to find himself in the condition of a prosperous emigrant, rather than in that of a suffering exile, and may possibly see his family among the most dignified and opulent inhabitants of the rising colony. For many of the offences against property we might probably make imprisonment a fit punishment, by due regulations, by upholding and improving the discipline in use at the Penitentiary, and by separating and placing under proper arrangements in

distinct Hulks, considered as prisons specially appropriated to that purpose, those convicts whom it should be the intention of Government to confine for punishment at home.

This separation, which must be the foundation of every material improvement in the Hulk system, was strongly recommended by the Committee of 1812—of the Members of that Committee some are dead, and others, like myself, have retired from the House of Commons ; we hear, therefore, when the Estimates for the Penitentiary and the Hulks come under consideration, an annual murmur respecting the cost of the Prison at Millbank from one side of the House, while on the other, the Secretary of State displays his candour by lamenting the great charge, which the authors of the Penitentiary system have brought upon the public, and congratulates the country upon the cheap rate at which convicts are maintained on board the Hulks under his direction; omitting, however,

to inform his hearers, that this cheapness is purchased by the sacrifice of every rule and principle laid down in the Prison Bill for the regulation of places of confinement on shore under the care of the County Magistrates—by giving powers to individuals with which they ought not to be entrusted—and by a course of management (if management it is to be called,) which is injurious to those who are the objects of it, and which adds some hundreds every year to the profligate and desperate characters, against whom the public requires to be protected by an expensive police.

I have endeavoured, in vain, at different times since 1812 to prevail upon Government either to adopt the views which the Committee of the House of Commons of that day formed concerning the Hulks, or to institute further enquiries into the state of them; and in 1826 I published some statements and observations respecting that

establishment, in which I think I pointed out evils requiring correction ; my publication excited I believe a good deal of displeasure at the Home-Office, but I am afraid it made no useful impressions there, and obtained little attention in any other quarter.

As the Editor of a Review which has an extensive circulation, you possess in some degree the ear of the Public, and can command a considerable portion of the literary talent of the country ; and if you will take up the subject of this Letter, and put forth a well considered article on it in your next Number, you may at the same time increase the credit of your work, and render no unimportant service to the community.

